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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12  
13 v.  
14 LINDSAY SUMMER CARTER,  
15 Defendant.

Case No. 2:23-mj-00533-DJA  
**ORDER TO CONTINUE**  
**MOTION DEADLINES AND BENCH**  
**TRIAL DATE**  
(First Request)

16  
17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,  
18 United States Attorney, and Imani Dixon, Assistant United States Attorney, counsel for the  
19 United States of America, and Rene L. Valladares, Federal Public Defender, and Rick Mula,  
20 Assistant Federal Public Defender, counsel for Lindsay Summer Carter, that the bench trial  
21 scheduled for November 8, 2023 at 9:00 am, be vacated and set to a date and time convenient  
22 to this Court, but no sooner than sixty (60) days.

23 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to  
24 and including November 29, 2023, to file any and all pretrial motions and notices of defense.

25 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
26 shall have to and including December 12, 2023, to file any and all responsive pleadings.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
2 shall have to and including December 19, 2023, to file any and all replies to dispositive motions.

3 The Stipulation is entered into for the following reasons:

4 1. Defense counsel requested discovery from the government on September 12,  
5 2023.

6 2. Defense counsel has not yet received discovery.

7 3. The government requires additional time to produce discovery.

8 4. The defendant is out of custody and does not object to the continuance.

9 5. The parties agree to the continuance.

10 6. The additional time requested herein is not sought for purposes of delay, but  
11 merely to allow counsel for defendant sufficient time within which to be able to effectively and  
12 complete investigation of the discovery materials when they are provided.

13 7. Additionally, denial of this request for continuance could result in a miscarriage  
14 of justice. The additional time requested by this Stipulation is excludable in computing the time  
15 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
16 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
17 Section 3161(h)(7)(B)(i), (iv).

18 This is the first stipulation to continue filed herein.

19 DATED this 28th day of September, 2023.

20 RENE L. VALLADARES  
21 Federal Public Defender

JASON M. FRIERSON  
United States Attorney

22 By /s/ Rick Mula

By /s/ Imani Dixon

23 RICK MULA  
Assistant Federal Public Defender

IMANI DIXON  
Assistant United States Attorney

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
LINDSAY SUMMER CARTER,  
Defendant.

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

- 3

**CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

**ORDER**

IT IS THEREFORE ORDERED that the parties herein shall have to and including November 29, 2023 to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including December 12, 2023 to file any and all responses.

IT IS FURTHER ORDERED that the parties shall have to and including December 19, 2023 to file any and all replies.

IT IS FURTHER ORDERED that the bench trial currently scheduled for November 8, 2023, at the hour of 9:00 a.m., be vacated and continued to January 10, 2024, at 9:00 a.m., Courtroom 3A.

DATED this <sup>29th</sup> \_\_\_\_ day of September, 2023.



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DANIEL J. ALBREGTS  
United States Magistrate Judge